UNITED NATIONS **S**

Security Council

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S/1999/550
12 May 1999

ORIGINAL: ENGLISH

LETTER DATED 12 MAY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit a press release issued by the Ministry of Foreign Affairs of Eritrea on 12 May 1999 on the occasion of a visit to Asmara on 11 May 1999 of a delegation of the Organization of African Unity (OAU) to discuss the resolution of the border conflict between my country and Ethiopia.

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Tesfa Alem SEYOUM
Chargé d'affaires a.i.

99-13928 (E) 120599

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Annex

Press release issued on 12 May 1999 by the Ministry of Foreign Affairs of Eritrea

Eritrea calls for implementation of the Organization of African Unity Framework Agreement

An Organization of African Unity (OAU) delegation led by the Foreign Minister of Burkina Faso, the special envoy of President Blaise Compaore, visited Asmara on Tuesday, 11 May 1999, and held talks with President Isaias Afwerki. The delegation also met with Foreign Minister Haile Woldetensae leading the Eritrean committee on the border conflict.

The special envoy delivered a message from President Compaore to President Afwerki.

The Government of Eritrea reiterated to the delegation its adherence to the Framework Agreement as endorsed by the Summit of the OAU Central Organ and its readiness to implement its provisions fully. In this context, and with a view to expediting the implementation of the process, the Government of Eritrea called for the following practical measures:

(a) That a formal and binding agreement be signed between the Government of Eritrea and the Government of Ethiopia confirming the acceptance of the OAU Framework Agreement by both parties;

(b) That formal agreements concerning the "mechanisms" and "technicalities" of implementation of the Framework Agreement be signed by both parties and that these be declared;

(c) That a formal agreement on a ceasefire be signed and declared so as to create a conducive climate for the implementation of the Framework Agreement.

The Government of Eritrea further informed the OAU delegation that when these three points were agreed and signed, Eritrea would exhibit, in the process of implementation of the Framework Agreement, necessary flexibility and cooperation without compromising its claims over its sovereign territory.

The Government of Eritrea urged the OAU delegation to ensure that Ethiopia's illegal expulsion of Eritrea's Ambassador to OAU would be rectified and the Ambassador enabled to return to OAU headquarters to resume vital communication with the OAU secretariat.

UNITED NATIONS

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GENERAL ASSEMBLY
Fifty-fourth session
Item 46 of the preliminary list*
CAUSES OF CONFLICT AND THE PROMOTION OF DURABLE PEACE AND SUSTAINABLE DEVELOPMENT IN AFRICA

SECURITY COUNCIL
Fifty-fourth year

Letter dated 10 May 1999 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a joint communiqué on the situation in the Democratic Republic of the Congo issued by the Presidents of Rwanda, Uganda and Tanzania on 5 May 1999 in Dodoma, Tanzania (see annex).

I should be grateful if you would have the letter and its annex circulated as a document of the General Assembly, under item 46 of the preliminary list, and of the Security Council.

(Signed) Daudi N. MWAKAWAGO
Ambassador

* A/54/50.

99-13903 (E) 130599

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Annex

Joint communiqué on the situation in the Democratic Republic of the Congo issued by the Presidents of Rwanda, Uganda and the United Republic of Tanzania on 5 May 1999

1. At the invitation of Benjamin Mkapa, President of the United Republic of Tanzania, Yoweri Museveni, President of the Republic of Uganda, Pasteur Bizimungu, President of the Republic of Rwanda, and President Mkapa held a meeting in Dodoma, United Republic of Tanzania, on 4 and 5 May 1999.

2. Also invited to participate in the summit was Major General Paul Kagame, Vice-President and Minister for Defence of the Republic of Rwanda.

3. The summit reviewed current developments in the ongoing conflict in the Democratic Republic of the Congo and focused on the way forward towards achieving a peaceful solution to the conflict in the framework of the Southern African Development Community Lusaka Peace Initiative and Process. In this regard, it took note of the Sirte Peace Agreement as a contribution to the Lusaka Peace Process.

4. The summit reaffirmed the need for a peaceful solution to the conflict in the Democratic Republic of the Congo. In this connection, it urged all the parties to the conflict to urgently put in place a cessation of hostilities and a cease-fire agreement in the interest of peace and stability of the Democratic Republic of the Congo and the other countries in the region.

5. The summit reaffirmed the need for peace, unity, reconciliation and reconstruction in the Democratic Republic of the Congo as well as an all-inclusive national dialogue of the stakeholders to discuss and determine the new political dispensation in the country. In this regard, the summit welcomed President Laurent Kabila's expressed readiness to hold direct talks with the rebels.

6. The summit noted with grave concern the security implications of the reorganization, arming and deployment of the genocidal forces in the region.

7. At the conclusion of the summit, which is a milestone in advancing the peace process in the Democratic Republic of the Congo, President Museveni, President Bizimungu and Vice-President Kagame expressed their gratitude to President Mkapa for the warm hospitality accorded to them.

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LETTER DATED 12 MAY 1999 FROM THE PERMANENT REPRESENTATIVE OF TOGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a communiqué dated 7 May 1999 issued by the Office of the President of the Togolese Republic following the seizure of power in Guinea-Bissau by the self-proclaimed military junta (see annex).

I should be most grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Roland Y. KPOTSRA

99-13934 (E) 120599 120599

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Annex

Communiqué issued on 7 May 1999 by the Office of the President of the Togolese Republic on the Recent Developments in Guinea-Bissau

The current President of the Economic Community of West African States (ECOWAS), Gnassingbé Eyadema, expresses his profound concern at the recent developments in the situation in Guinea-Bissau, characterized by a resumption of fighting on 6 May and the seizure of power on 7 May by the self-proclaimed military junta.

He strongly condemns this violation of the Abuja and Lomé Accords by the parties to the conflict.

He deplores the further loss of human life, the sufferings of the people and the further material damage caused by the fighting.

The current President of ECOWAS, who is monitoring the situation hour by hour, furthermore deplores the fact that the parties to the conflict have not respected the numerous appeals for restraint, which would have made it possible to continue the process of reconciliation for which the Government of National Reconciliation had been formed and which would also have made it possible to create a climate of trust favourable for organizing the general elections scheduled this year.

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13 May 1999
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IDENTICAL LETTERS DATED 12 MAY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you as follows:

At 1600 hours on 4 May 1999 a Kuwaiti patrol fired several shots at the Iraqi citizen Sabah Muhammad Ya'qub as he was fishing inside Iraqi territorial waters, hitting him in the head and other parts of the body. The boat carrying Mr. Ya'qub was also hit by several rounds.

I request you to intervene with the Government of Kuwait with a view to inducing it to halt the acts of provocation and piracy carried out by Kuwaiti patrols in Iraqi territorial waters, which have recently become more frequent. Such actions are in violation of the Charter of the United Nations and the norms of international law, and they pose a threat to the security and sovereignty of a member State of the United Nations.

I affirm Iraq's legally established right, in accordance with the principle of State responsibility, to seek lawful compensation for the damage done to its citizens and their property by these hostile acts.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

99-14018 (E) 130599 130599

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13 May 1999
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LETTER DATED 13 MAY 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL*

I have the honour to transmit to you herewith a copy of a letter dated 7 May 1999 from Mr. Mohamed Benaissa, Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco, addressed to me in response to measures proposed by the United Nations for the identification and the appeal procedure of persons requesting to participate in the Western Sahara Referendum (S/1999/483/Add.1). The letter was transmitted to me by the Permanent Representative of Morocco to the United Nations, Mr. Ahmed Snoussi.

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

* Circulated as a result of the request by the President of the Security Council on behalf of the Council to that effect on 13 May 1999.

99-14120 (E) 130599 130599

Annex

Letter dated 7 May 1999 from the Minister for Foreign Affairs and Cooperation of Morocco addressed to the Secretary-General

I have the honour to acknowledge receipt of your letter of 26 April 1999 concerning the draft protocol and operational directives governing the identification of tribal groupings H41, H61 and J51-52 and the appeal procedures.

These texts, as you know, were the subject in recent weeks of a broad and fruitful exchange of views, which made it possible to adopt, jointly, a number of amendments.

Anxious to meet the expectations of the Security Council and faithful to its tradition of cooperating with the United Nations, Morocco reiterates its determination to see the referendum take place as soon as possible. In accordance with this, Morocco agrees to the timetable as well as the measures which you have proposed and which are linked to the resumption of the identification operation on 1 June 1999 and the start of the appeal procedures on 1 July 1999.

Nevertheless and in spite of the progress made, the Moroccan authorities intend to express once again a number of reservations and misgivings which could not be raised or dispelled up to now.

They concern, and the Secretariat has duly taken note of them, in particular, the question of admissibility as conceived and defined in the relevant protocols and operational guidelines. The admissibility procedure, accordingly to the letter and spirit of the Settlement Plan and in view of the practice, was to make it possible for each applicant to be able to make use of all the necessary guarantees for ensuring a fair re-examination of his case. This is far from having been reflected in the procedure laid down, which imposes, inter alia, the need for each person concerned, to prove, at each stage in the appeal procedure, the existence of a new fact or a new circumstance. In this way, the oral testimony has been reduced or marginalized to the benefit of a conception which transforms it into written proof that must "look new".

The use that will be made of this provision may, undoubtedly, eliminate thousands of applicants who consider that they have been unjustifiably or unfairly eliminated from the electorate and desire to have their right restored.

In this regard, one will recall the systematically negative behaviour of the sheiks also during the identification sessions, which had a decisive influence on the decisions by the Identification Commission and which, as a consequence, was very detrimental for the applicants.

Reaffirming this position, we wish to draw your attention to the negative reaction which the population concerned may have with respect to an approach which they will surely regard as reflecting a desire to eliminate the largest number of persons among them and to persist in eliminating authentic Saharans.

Another reserve relates to the periodic communication of partial results of identification. In this connection and throughout the discussions with the representatives of the Secretary-General, it was explained in detail that the next identification stage essentially concerned Morocco and that it would be carried out within a strictly limited period of time. Accordingly, the communication of the results must take account of this new context.

In this regard and in a desire to ensure fairness and transparency, we believe that it is of the utmost importance to draw your attention to the need to prevent a recurrence of practices such as the "revision" of the identification results and the use of corroborating testimony as a condition for the eligibility of applicants not included in the Spanish census of 1974.

For all these reasons, we insist that future identification operations be accompanied by every possible guarantee for fairness. In this way, the communication of the results on a weekly basis can ensure better monitoring and greater transparency.

This is a basic and legitimate concern for Morocco and we hope that our insistence on it will lead to the follow-up by you that it merits.

Any arrangement along these lines will, without doubt, protect the resumption of the identification operation from any suspicion and help to create the climate of trust desired by all.

We remain convinced that speeding up this process and compressing the dates as set forth in the timetable should not be exclusively linked to budgetary constraints and, consequently, should not in any case affect the rights of applicants and the credibility of the referendum consultation.

(Signed) Mohamed BENAISSA
Minister for Foreign Affairs
and Cooperation

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LETTER DATED 13 MAY 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL*

I have the honour to transmit to you herewith a copy of a letter dated 28 April 1999, from Mr. Mohammed Abdelaziz, Secretary-General of the Frente Polisario, addressed to me in response to measures proposed by the United Nations for the identification and appeal procedure of persons requesting to participate in the Western Sahara referendum (S/1999/483/Add.1).

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

* Circulated as a result of the request made by the President of the Security Council on behalf of the Council to that effect on 13 May 1999.

99-14126 (E) 130599 130599

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Annex

Letter dated 28 April 1999 from the Secretary-General of the Frente Polisario addressed to the Secretary-General

When Mr. Bernard Miyet, Under-Secretary-General for Peacekeeping Operations, transmitted to the parties, in October 1998, your proposals for resuming the process to bring about a settlement in Western Sahara, the Frente POLISARIO immediately welcomed this initiative. I confirmed to you personally our total and unequivocal agreement in favour of this package of measures during your visit to the region at the end of November 1998.

In expressing its agreement, the Frente POLISARIO had obviously made a major concession in that it accepted what it had continuously rejected in the past - the identification of the disputed tribal groupings. It did so on the understanding that it was a question, as you yourself underscored, of a package that formed an indissoluble whole and was based on a balance among all the elements constituting it. In other words, the agreement meant that the identification of tribal groupings H41, H61 and J51/52 and the appeal procedures would take place simultaneously and under conditions of complete strictness, impartiality and transparency.

However, the Moroccan party, after having initially given its agreement, subsequently and for a number of months procrastinated endlessly, while it had obtained, through these new proposals, complete satisfaction with regard to a demand that it had made its hobby horse, namely the identification of tens of thousands of persons, virtually all of whom live in Morocco and who, therefore, have no connection with Western Sahara.

In order to make it possible for Morocco to join the broad consensus that your proposals enjoyed, we agreed that the United Nations, in strict respect for the integrity of the package of measures and the principle of simultaneity among the identification operations for the disputed tribes and the appeal operations for those already identified, should discuss the matter with the Moroccan party and provide it with the necessary clarifications.

The Security Council, which, from the beginning, endorsed your initiative through resolution 1204 (1998), supported this step calling for a comprehensive agreement in order to ensure its implementation as speedily as possible. It also, in the same resolution, reiterated its call for the strengthening of the Identification Commission in order to enable it to continue to work rigorously and with impartiality in order to complete the process. The Council, furthermore, reaffirmed, in its resolutions 1215 (1998), 1228 (1999) and 1232 (1999), the need for the consultations under way then to preserve the essence of the package of measures and not call into question its main elements.

In the version transmitted by the Secretariat to the two parties on 8 April 1999, major changes were made to the original texts, particularly the protocol on appeal procedures. The operational directives relating to it introduced, in some of their provisions, totally new procedures.

During the frank and fruitful discussions which the Frente POLISARIO had with Mr. Miyet and Mr. Kinloch, it explained the numerous concerns that we had with regard to this new version and put forward a number of amendments concerning, inter alia, the methods of proof recognized by the Identification Commission and, in particular, by the appeals sections. The delegation above all indicated our strong reservations concerning the oral testimony accorded henceforth to every individual, whereas the Settlement Plan authorized only the sheiks to make use of it. In this context, it expressed fears that this would lead to a serious change by inundating the sections with an endless number of appeals, resulting ultimately in repeat identifications and, worse yet, a forced reappraisal of the work carried out laboriously by the Commission.

Some of these proposals were taken into consideration in the revised text one last time on 24 April. Clarifications, both written and oral, were made to the provisions concerning oral testimony, without, however, completely eliminating the danger that the United Nations might be confronted with thousands of unjustified and unjustifiable appeals, which, in the end, would paralyse the work of the Identification Commission and strike a serious blow to its credibility and authority and, consequently, the credibility and authority of the United Nations.

In spite of these shortcomings and following the assurances provided by the Secretariat that the appeal operations would be conducted under maximum conditions of impartiality and strictness, the Frente POLISARIO, which never stinted on its support for you in your efforts to hold a free and fair election in Western Sahara, formally accepted the latest version of your proposals for a settlement, annexed to your letter dated 26 April 1999, on the understanding that

- The appeal and identification operations for the disputed tribal groupings (H41, H61 and J51/52) will be carried out under conditions of exemplary strictness, transparency and fairness,

- The Identification Commission will continue to carry out its mission demonstrating its authority, independence and impartiality as in the past, since it is a well known fact that this demand, on which the success of the entire process depends, will remain the keystone of the entire structure.

The Frente POLISARIO considers that this is a real opportunity which the parties must seize in order to ensure a fair and definitive settlement of the Western Sahara conflict. Indeed, thanks to your personal commitment to the untiring work of your Personal Envoy and the determination of the Under-Secretary-General for Peacekeeping Operations and your Acting Special Representative, as well as the support of the Security Council and the entire international community, the process begun by the United Nations in Western Sahara eight years ago can now lead, within the dates established, to the referendum on self-determination which the Saharan people has waited for so long.

(Signed) Mohammed ABDELAZIZ